

WILLIAM V. ROTH, JR.  
DELAWARE

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# United States Senate

WASHINGTON, DC 20510

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FINANCE

GOVERNMENTAL AFFAIRS  
JOINT COMMITTEE ON TAXATION  
JOINT ECONOMIC COMMITTEE

May 25, 1999 09:46 JUN -3 10:51

Ms. Jenny Butler  
Manager, Dockets Management Branch  
Food and Drug Administration  
5600 Fishers Lane  
Mail Stop HFA-305  
Rockville, Maryland 20857

Dear Ms. Butler:

Please accept and review the enclosed comments of my constituent regarding the Food and Drug Administration's proposed rules on Docket No. 97N-0511 regarding juice safety.

Sincerely,



William V. Roth, Jr.  
U. S. Senate

WVR:mje

Enclosure

97N-0511

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Senator William V. Roth, Jr.  
104 Senate Hart Office Building  
Washington, DC 20510-0801

Dear Senator Roth:

I write today to express our opposition to the Food and Drug Administration's plan to impose the Hazard Analysis Critical Control Points program (HACCP) on all fruit and vegetable juice processors in lieu of requiring pasteurization (or an equivalent treatment) to kill any harmful microbes. We think the FDA's juice safety scheme is misguided and may well jeopardize the health and lives of the elderly, the young, and those with immune deficiencies.

Our opposition emerges from some simple facts: 98 percent of all juices, or about 2 billion gallons worth, are pasteurized or treated in an equivalent way. All involve "kill steps" that eliminate the presence of microbes like E. coli O157:H7 and Salmonella ssp. As a result, none of the estimated 6,000 - 6,200 yearly cases of foodborne illness from juice can be traced to these products -- and this is according to the FDA.

Unfortunately, two percent of all juices, or about 38 million gallons, are not pasteurized and are not safe from contamination by these dangerous organisms. By FDA's reckoning, this two percent accounts for each and every case of juice-based illness.

However you look at it, from inside the industry or out, the facts speak eloquently to what FDA's approach ought to be: require pasteurization of all fruit and vegetable juices (or the use of an equivalent treatment when feasible). After all, the pasteurization of milk remains one of the great success stories in the history of food safety.

Yet the FDA avoids the obvious and proposes to add yet another layer of regulation on the 900 or so U.S. juice processors who use pasteurization (or equivalent treatments) while requiring mere labels on unpasteurized juices.

It seems that the FDA is discouraging the best method of killing microbes while rewarding those who don't use it. Conceivably, all of the estimated 6,000 + attacks could be eradicated through pasteurization, but by the FDA's own admission, only 5 - 16 percent of illnesses can be stopped through labels. Some 84 - 95 percent of unpasteurized juice drinkers will still be at risk.

All of this is disappointing and baffling. And while I certainly don't want to make light of the situation, it remains true and embarrassing that the FDA is about to snatch defeat from the jaws of victory. The industry strongly supports HACCP when it is appropriate and effective, but in this instance, HACCP is very poorly suited to the task. Truth be known, it is little more than "food safety window dressing" in this application.

The better, indeed best, approach is applying good manufacturing and hygienic practices while adding pasteurization to the process. Almost all processors already do this, and consumers are far, far safer for it.

On behalf of my company, and those who enjoy our products with confidence, we ask that you do all you can to stop the FDA from the great blunder the Agency seems determined to commit, and encourage the Agency to apply sound science to a problem the government can solve with ease.

Thank you for your time and consideration, and if more information would be helpful, please contact me or call up the National Food Processors Association's web site, <http://www.nfpa-food.org>.

Sincerely,

Ronald D. Snyder  
Jarboe Equipment Co., Inc.  
411 N. Beford St.  
Georgetown, DE 19947

United States Senate

WASHINGTON, DC 20510-0801

OFFICIAL BUSINESS

*William V. Roth Jr.*  
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